



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Needleman et al.)
Serial No.: 08/934,367) Attorney Docket
Filed: September 19, 1997) 6221/69666
For: AN IMMUNOLOGICAL PROCESS AND) MON-103.0
CONSTRUCTS FOR INCREASING) Art Group:
THE HDL CHOLESTEROL) 1642
CONCENTRATION BY DNA)
VACCINATION)
Examiner: T. Scheiner)

ELECTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This in response to the Restriction requirement mailed July 8, 1998, for which a Petition for an Extension of Time and its required fee are enclosed.

Claim Group I (Claims 1-16) is hereby elected with traverse.

It is respectfully submitted that although the product as claimed might be used to produce a fusion protein *in vitro*, as is asserted in the Restriction, that use is not materially different from the use of that same product to produce the same fusion protein *in vivo* as an immunogen. Inasmuch as both uses

to produce the fusion protein, it is submitted that there is no material difference between producing that fusion protein *in vivo* and *in vitro*, and therefore that this restriction requirement should be withdrawn.


Additionally, the DNA is central to both claim groups and the Restriction admits to the relatedness of the two claim groups. Those two facts being the case, it is submitted that the search for both claim groups will be virtually identical. As a consequence, it should not be a greater burden on the Examiner and PTO for all of the claims to be prosecuted together. It is therefore separately requested that the restriction be withdrawn.

It is believed that this application is in condition for an action on the merits and for allowance of all of the claims. An early notice to that effect is earnestly solicited.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

The Examiner is requested to phone the undersigned should any questions arise that can be dealt with over the phone to expedite this prosecution.

Respectfully submitted,

By 
Edward P. Gamson, Reg. No. 29,381

Enclosures

Petition and fee under § 1.17(c)

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CERTIFICATE OF MAILING

I hereby certify that this Election, and a Petition for a four-month extension of time and fee are being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on December 4, 1998.



Edward P. Gamson